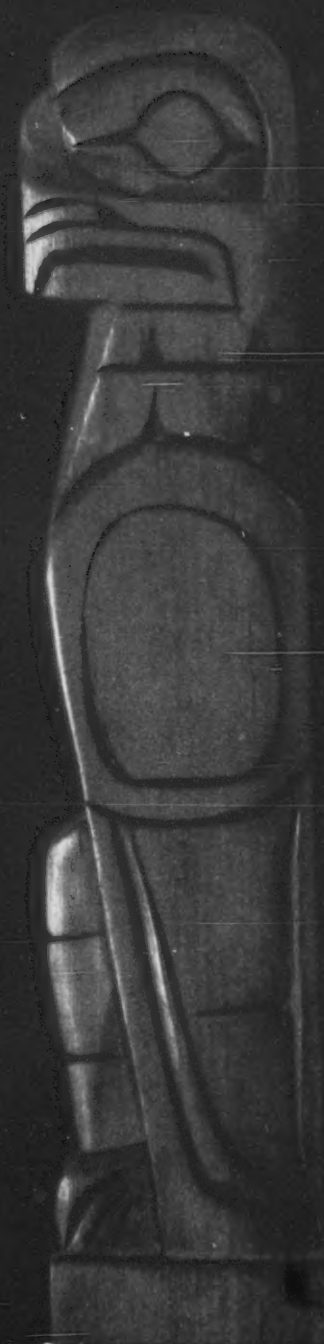




RECOGNITION HONOURS OUR PAST

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CREATES OUR FUTURE...



RECOGNITION OF FIRST NATIONS COMES IN MANY FORMS. A MODERN-DAY TREATY IS THE ULTIMATE EXPRESSION OF RECOGNITION. AND RECOGNITION IS GROWING IN BRITISH COLUMBIA.

The coastal waters off the south coast of British Columbia were this year officially named the Salish Sea. The name has been endorsed by the Geographical Names Board of Canada, the U.S. Board on Geographic Names and the Washington State Geographical Names Board.

Haida Gwaii (Queen Charlotte Islands) had its rightful name restored and enacted into law as part of the reconciliation agreement between the BC government and the Haida.

The 2010 Olympic Winter Games brought the indigenous peoples in Canada to a worldwide audience. The four host First Nation chiefs were treated as heads of state and the Games legacy is a package of benefits for their communities and new tourism opportunities for First Nations, generally.

What do these acts have in common? They draw attention to the history and contribution of First Nations. On the road to reconciliation, these markers help shape how British

AND SHAPES THE VIEW OF FIRST NATIONS

Ten years ago the Nisga'a began their journey forward with the first modern-day treaty in British Columbia.

The BC government has agreed to share the taxes it collects from a new mine with the aboriginal people on whose traditional territory the mine will operate. The provincial government already shares revenue through forest and range agreements.

The BC Supreme Court ruled the Nuu-chah-nulth First Nations have an aboriginal right to harvest and sell fish from their traditional territory. In a separate case, the BC Supreme Court found that the BC government had a duty to consult with Gitanyow hereditary chiefs, a recognition of the Gitanyow Wilp system of governance.

Columbians, Canadians and visitors view indigenous people. However, it is not enough to embrace the culture; that has been the easy part in showcasing BC to the world. For there to be a sincere new relationship we must go further: is there a willingness to embrace First Nations as true partners in Canada?

Treaty making is a concerted effort to recognize the place of indigenous people on the land; acknowledge our collective history; and reconcile often very different perspectives. A treaty is the ultimate expression of recognition.



LETTER FROM THE CHIEF COMMISSIONER

Early in 2010, the federal and provincial governments and four host First Nations jointly welcomed the world to the Olympic Games. And for the first time, acknowledged the Games' location on the traditional territories of aboriginal peoples. The four host First Nations chiefs were acknowledged as heads of state in important ceremonies.

The cultures, traditions and economic participation of aboriginal people were an integral part of the 2010 Winter Olympics. The Treaty Commission set up an information booth at the Aboriginal Business Showcase & Artisan Village during the Games. Our banner read **"What has a bigger economic benefit to BC than the Olympics? Settling treaties."** Our team met with thousands of people, sharing information on the treaty process. One of the most often asked questions was, **"Why are treaties taking so long to complete?"**

As I reflected on this question, I thought of some of the challenges that have been cited in the past: dissatisfaction with federal and provincial mandates; capacity limitations in First Nation communities; the expectation gap between the parties; negotiation fatigue; limited resources for the volume and pace of work to be completed; and, lack of consensus on what recognition and reconciliation mean and how they should be reflected in treaties.

We have made progress in each of these areas, but none can be checked off as resolved. These issues continue to impact treaty making in British Columbia, to the extent that there is an erosion of confidence in and commitment to the treaty process. To build better futures, strengthen our social and economic health, together, we must re-invigorate the process, rebuild confidence and momentum.

Perhaps the success of aboriginal inclusion in the 2010 Games provides some lessons for us. At a very high level some of the factors that drove that success included: coordinated participation and cooperation of the First Nations based on collective effort that also respected each communities' autonomy. There was a protocol governing the relationship between VANOC and the First Nations. The protocol set out key commitments and responsibilities for all parties, and was guided by a willingness and flexibility by the parties to act in new and innovative ways not constrained by the precedents and limitations of the past. Above all, what drove their success was the vision and commitment of all parties to achieve an unprecedented level of aboriginal inclusion in the Games and to overcome whatever barriers and constraints stood in the way.

The BC treaty process needs this same vision, commitment and energy. While the federal, provincial and First Nations governments are in a tripartite process, it seems to me that each of our Principals still operate as distinct entities more strongly focused on protecting individual positions and

interests than on pursuing a common vision. We need to become a cohesive unit focusing our collective efforts and energies on the conclusion of treaties. It is essential that we harmonize our priorities and policies to support a constructive and results oriented relationship between the parties.

It is also important that each of the three parties do whatever they can to improve their abilities to deliver results in this process.

- First Nation leaders and community members in the treaty process must be self confident and trust in themselves to make and implement the correct choices for their First Nations: strengthen capacity to create and implement planned change so you can build the future your people have defined and chosen; address now your human resource capacity for governance and resolve overlapping claims on shared territory.
- The BC government needs to stay the course of developing interim solutions such as the reconciliation frameworks and recognition initiatives. Notable this year was the naming of Haida Gwaii and Salish Sea, and agreements to share mine revenues. At the same time, remember that most of these bilateral agreements are short term that over the long haul, need to be stepping stones to treaties. It is important to continue to work on revenue sharing and shared decision making while maintaining a strong focus on achieving treaties.
- The federal government has made positive and promising statements, especially the potential for recognition within the treaties. However, broader mandates for, and better communication with, negotiators along with improved coordination across the federal government departments and agencies are essential to keep First Nations at the table and to rebuild momentum. To realize an appropriate return on the investments made to date, the Prime Minister, Minister Duncan and the entire federal cabinet need to strongly and publicly re-commit to treaties in BC. We expect a meeting with newly appointed Minister Duncan in the near future to pursue this recommendation for a statement from the federal government.

The work of the Treaty Commission is evolving to meet the needs of the three Principals while continuing to uphold the responsibilities of being the 'Keeper of the Process'. Commissioners are increasingly involved in the challenges faced by the parties including helping to resolve overlapping claims on shared territory, human resource capacity and the Common Table. These are new and expanded roles for the Treaty Commission and are activities that were not fully anticipated when the treaty process was established in 1992.

In May of this year, I had the great privilege of joining the leaders and citizens of the Nisga'a Nation in celebrating the 10th anniversary of the date their treaty came into effect. It was an emotional and powerful event and in part, some of the words I shared about the Nisga'a Nation were,

"They're a living example that treaties do work... The Nisga'a people are self governing. They have their laws. They have their house of parliament. This is what all First Nations want — to be self governing."

We all need to focus on the outcome we are seeking — the conclusion of treaties. We all need to work diligently and creatively to accomplish this goal. We have the enormous challenge of creating a new and better future for all — let us renew our commitment and improve how we work together and deliver results.

2010 has been an especially busy and challenging year in the BC treaty process and I want to take this opportunity to thank the commissioners and staff for their support and hard work. It is inspiring to see their deepening involvement in resolving issues among the parties and in developing innovative solutions to help First Nations address the challenges they face.



SOPHIE PIERRE OBC
Chief Commissioner

YEAR IN REVIEW

A call to action presented to the First Nations and the governments of Canada and British Columbia in 2009 by the Treaty Commission included six recommendations:

- Complete final agreements (FAs);
- Conclude agreements in principle (AIPs);
- Make the resolution of territorial issues a priority;
- Conclude more incremental treaty agreements (ITAs)
- Revitalize the treaty process;
- Make treaty implementation easier.

Negotiations on two final agreements were completed, for Yale First Nation and Sliammon First Nation with ratification to follow, and two are close to completion, for In-SHUCK-ch Nation and Yekooche Nation.

Although no agreements in principle were concluded, significant progress has been made with seven First Nations now much closer to completing agreements in principle.

The resolution of territorial issues is now a priority for the Treaty Commission with additional support from the federal government. The Treaty Commission was funded this year to study the issue and has prepared an action plan to assist First Nations.

Two incremental treaty agreements were previously completed — with Klahoose First Nation and Tla-o-qui-aht First Nations — and five more agreements are being considered. These agreements provide interim financial and economic benefits for First Nations, for example, land transfers for immediate development.

A Treaty Negotiation Process Revitalization Technical Working Group, involving representatives of the Principals and the Treaty Commission, has completed a lengthy and thorough review of the options to address the magnitude of First Nation debt. Its immediate concern, however, has been the extension of due dates for First Nation loans in advance of the April 2011 deadline for their repayment.

The larger debt issues are likely to take much longer to resolve as they require lengthy internal reviews by governments. The Treaty Commission remains concerned that no recent substantive action has been taken to reduce the amount of debt.

Funding First Nations in the closing period of Stage 5 — when loans are no longer available — and the availability and effectiveness of Interim Measures were also reviewed and recommendations were made to the Principals.

Discussions in the second round of talks on revitalization issues, including capacity, overlaps, streamlining and the role of the BC Treaty Commission, began in August and are continuing.

Treaty implementation is being addressed. The federal government announced in March 2010 a new approach to address funding for First Nation self government that reflects the "unique circumstances of each self-governing group." The government said it will outline this funding approach over the next few months and will then engage with aboriginal self governments and representatives of groups in the advanced stages of negotiation. The Treaty Commission will assist First Nations through the Human Resource Capacity Development Strategy, which is explained below.

In summary, there are two ratified final agreements; three completed final agreements; and two final agreements close to completion for a total of seven. There are seven First Nations close to concluding agreements in principle; and another 27 First Nations that remain active in treaty negotiations, for a total of 41 of the 60 First Nations in the treaty process.

In addition to facilitating these active treaty negotiations as required, the priorities for the Treaty Commission are to assist First Nations with the resolution of overlapping claims on shared territory and to help First Nations address the challenges they face in developing human resource capacity for governance. This includes developing options for resolving overlapping claims on shared territories and helping to prepare community members to take on self government.

BC GOVERNMENT SEEKS SHORT AND LONG-TERM AGREEMENTS

Aboriginal Relations and Reconciliation Minister George Abbott has said there are multiple paths to reconciliation, which the BC government will pursue with willing First Nations, including incremental treaty agreements, strategic engagement agreements and reconciliation protocols.

Important opportunities for the treaty process have emerged with the signing of reconciliation protocols between north and central coast First Nations and the Province that provide for significant shared-decision making and revenue sharing. The protocol with the Haida in particular, with substantive decision-making, and the historic recognition of Haida Gwaii, has major implications for the treaty process. Strategic engagement agreements, which also address land and resource issues, represent additional opportunities.

Harmonization of bilateral provincial and federal agreements with treaties is a difficult but necessary challenge. These agreements provide tangible benefits to communities and help to develop a cooperative working relationship between the parties. As such, they are welcomed stepping stones to comprehensive agreements. These developments in a best case scenario will lead to the full engagement of the three parties in each treaty negotiation to reach a comprehensive agreement, one that addresses all issues important to the new relationship that together we are striving to achieve.

Another important initiative by the BC government that brings immediate benefits to communities is the option for incremental treaty agreements, two of which were signed last year. There is the potential for the Province to conclude as many as five additional incremental treaty agreements this year. The Treaty Commission, which was instrumental in bringing these opportunities to the attention of the BC government, will continue to look for ways for the parties to make incremental progress in treaty negotiations at individual tables.

If the creative work and leadership that the province and First Nations have shown in reaching bilateral agreements can be brought to bear in treaty negotiations, numerous comprehensive agreements could be concluded. This will require the participation of all three parties.

The BC government supported the BC Auditor General's 2006 recommendation that treaty making and initiatives developed under the New Relationship should be harmonized and stated that it is working to ensure that the broad suite of initiatives now underway or in development with the help of First Nations leaders will ensure meaningful progress in achieving reconciliation.

The Treaty Commission believes this issue of harmonization will become critical over the next year. The issues covered by these recent protocols — shared decision-making, revenue sharing, and recognition — are issues critical to most treaty tables.

CHANGES TO FEDERAL MANDATES WELCOMED

Former Indian Affairs Minister Chuck Strahl said earlier this year that his government continues to believe that negotiations under the BC treaty process are the best method of resolving outstanding rights and title issues. The federal government has said it will take action to facilitate progress in the BC treaty process and bring more flexibility to treaty negotiations.

The Treaty Commission welcomes the appointment of Vancouver Island North MP John Duncan as Minister of Indian Affairs and Northern Development. He replaces Chuck Strahl who was named Minister of Transport.

As former parliamentary secretary to Minister Strahl and a resident of British Columbia, Minister Duncan understands the issues that he will have to address to deal with the many challenges First Nations are experiencing in this province.

Recognition is now on the table. In a move the Treaty Commission sees as promising the federal government will recognize in treaties that a First Nation has existing aboriginal rights and will acknowledge these rights have not always been respected by the Government of Canada.

The federal government will be flexible on self government. It will consider self government within a treaty or as a stand-alone agreement, and will consider alternative forms of self government.

Federal negotiators will have a range of treaty-related measures to assist First Nations in reaching treaties that will no longer require cost sharing agreements with the BC government. For example, resources will be available for constitution and law development, capacity development, and to resolve territorial issues among First Nations.

Administrative penalties on treaty settlement land that will be imposed by First Nations can be comparable to those that provincial and federal governments have in place for similar regulatory offences.

The federal government is also developing a new pan-Canadian approach to financing self government for First Nations.

The Treaty Commission sees the proposed changes in federal mandates, in part a response to the Common Table discussions, as promising. Recognition in particular has been long sought after by First Nations and its potential inclusion in modern treaties signals an important shift in attitude and approach. The governments of Canada and BC have indicated a willingness to continue high level discussions on certainty and status of treaty settlement lands.

Challenges remain on some issues, and a setback for the treaty process in the short term was the announcement that negotiations involving fish will be deferred pending the results of the Cohen Judicial Inquiry expected in May 2011. Except for Yale First Nation, In-SHUCK-ch Nation and Sliammon First Nation, Canada is deferring negotiations on fisheries.

Commissioners will do their part to ensure that the new mandates of the federal and provincial governments are fully understood and respected at each of the tables. First Nations should be made aware of all options and opportunities in the negotiations, including those achieved throughout Canada.

FIRST NATIONS SUMMIT PROMOTES PROGRESS ON MAJOR ISSUES

The First Nations Summit continues to be a strong voice in public discussion of issues involving other governments and industry, for example, on fisheries, mining, forestry, technology, child and family welfare, health care and education. Progress is being made in many of these areas with First Nations having a greater say in public policy and more responsibility for governance in these areas.

The Summit is a party to the Common Table Initiative and All Chiefs Task Force, forums that ensure there is an informed discussion of aboriginal rights and title issues, as First Nations seek their own solutions for treaty settlement or to take advantage of governance and economic opportunities and address the immediate challenges facing their people. This includes discussion of the Chiefs' vision for achieving progress on common table issues.

TREATY COMMISSION FOCUS SHIFTS

A main focus in 2009 was to encourage a recommitment to the treaty process by all three Principals. Encouragement took many forms including discussions with federal and provincial ministers and First Nations leaders and public forums.

The Treaty Commission asked the House of Commons finance committee last fall to consider, in its report to Parliament, the importance of achieving the economic stimulus effects that will result from completing treaties in British Columbia.

Finance committee members were told that settling treaties earlier will result in greater benefits being delivered sooner to First Nations and all British Columbians and create an important multiplier effect in the economy. This was the Treaty Commission's first appearance before the finance committee, which was holding pre-budget consultations.

Completing treaties with First Nations could deliver more than \$10 billion in benefits to British Columbia's economy over the next 15 years, according to the PricewaterhouseCoopers report commissioned by the Treaty Commission.

In response to the Treaty Commission's presentation the finance committee's report to Parliament includes recommendations to move treaty negotiations forward: "The government should reaffirm its commitment to the British Columbia treaty process, to timely implementation of the west coast fisheries review, and to updated mandates for Canada's negotiators on specific issues hindering treaty completion."

While recommitment remains a priority, much of the focus now is on ways to assist First Nations as they approach agreements in principle, final agreements and treaty implementation.

RESOLVING TERRITORIAL ISSUES AMONG FIRST NATIONS

As treaty negotiations progress in British Columbia, it is essential that First Nations resolve territorial disputes which can create significant risk and uncertainty and may delay or prevent treaties.

Beyond the economic impact on First Nations is the serious and adverse effect on the broader goal of reconciliation and renewal. Also, there is the impact on the province's economic prospects which are tied to certainty on the land.

The province is negotiating strategic engagement or reconciliation agreements as interim solutions to land and resource issues. There is potential for these agreements, which may include economic benefits, to encourage the resolution of territorial issues. With appropriate funding and support, there could be more shared-territory agreements completed sooner among First Nations.

The Treaty Commission's efforts in resolving overlaps has evolved over the past few years. It is a requirement of the BC treaty process that First Nations make best efforts to resolve territorial issues with assistance from the Treaty Commission if required. The current situation underscores that such a requirement indeed exists, that it is more pressing than the parties previously appreciated and that action is necessary now.

The Treaty Commission with its limited resources has been exploring old and new approaches to shared territory issues. Building upon the longstanding experiences of First Nations, and other approaches, and by examining new developments, the Treaty Commission will provide valuable information for the parties to use in resolving territorial issues. The Treaty Commission has developed an action plan to support First Nations in resolving overlapping/shared territory issues, build capacity in First Nations to successfully address these difficult issues, and encourage the early resolution of overlap disputes.

HELPING FIRST NATIONS WITH HUMAN RESOURCE READINESS

The Treaty Commission is partnering with a multi-community First Nation as part of an effort to develop a Human Resource Capacity Development Strategy that will assist First Nations to implement self government. This valuable approach will be available free to First Nations.

The Treaty Commission's initiative seeks to bridge *Indian Act* legislation with self governance beginning in the later stages of the BC treaty process. The Treaty Commission is taking a collaborative and participatory approach that will help identify and address the unique needs and self governance priorities of each First Nation. The process is to be driven by First Nations themselves, which will lessen the involvement of outside consultants. Commissioners, if requested, will facilitate the process for participating First Nations.

As the Human Resource Capacity Development Strategy is being finalized the Treaty Commission will work with other First Nations, as funding permits, to adapt it for their needs and unique circumstances.

SUPREME COURT RULING A CATALYST FOR CHANGE

The Sparrow decision from the Supreme Court of Canada 20 years ago set the foundation for treaty negotiations in British Columbia.

The ruling in May 1990 was a major factor in moving the provincial government to negotiate with First Nations and put an end to 130 years of denial of aboriginal rights by the BC Government.

Musqueam Nation member Ronald Sparrow was charged with fishing for salmon with a net larger than legally allowed by the *Fisheries Act*. The case went all the way to the Supreme Court,

which ruled on May 31, 1990 that aboriginal rights exist and were not extinguished by federal fisheries regulations.

The Sparrow case was also the genesis for the Aboriginal Fishing Strategy, which provided First Nations with special commercial salmon licences.

The Supreme Court decision has played a significant role in subsequent aboriginal rights cases. The Van der Peet ruling in 1996 set out the factors that determine when an aboriginal practice constitutes an aboriginal right. The *Delgamuukw* case in 1997 affirmed the Crown has a duty to consult with First Nations when the actions of the Crown infringe upon aboriginal title, and set out a test for proving title. The Haida and Taku River Tlingit cases in 2004 established that government has a duty to consult and possibly accommodate even when aboriginal title has not been determined.

Still, these legal decisions have not resolved all the issues of aboriginal rights and title in BC and First Nations continue to launch legal actions to preserve their aboriginal rights when a perceived threat exists.

The Treaty Commission recognizes that litigation has informed treaty negotiations and continues to do so. But a government-to-government relationship, with all its complexities must be negotiated. First Nations may feel forced to take legal action to protect interests they do not see being addressed at the treaty table. It's a delicate balance. All governments must recognize that relationships cannot be built in court.

COMMISSIONER OBSERVER AT INTERNATIONAL FORUM

The Treaty Commission observed international discussions at the UN Permanent Forum on Indigenous Issues in New York City earlier this year.

The Permanent Forum is a unique opportunity for indigenous peoples from around the world to gather and discuss the important and pressing issues that are taking place in their homelands. The Treaty Commission attended the UN forum to become better informed and to answer enquiries about the BC treaty process.

NISGA'A CELEBRATE 10TH TREATY ANNIVERSARY

Ten years ago the Nisga'a began their journey forward with the first modern-day treaty in British Columbia.

On May 11, 10th anniversary celebrations bringing together the Nisga'a people, dignitaries, commissioners and friends were held in New Aiyansh, the home of the Nisga'a Lisims Government. The event *Our Journey Forward: Celebrating 10 Years of the Nisga'a Treaty 2000/2010*, marks another milestone in a long line of firsts stretching back to the nineteenth century.

The Nisga'a people are understandably proud of their accomplishments. In the past decade, the Nisga'a people have set up their own parliament and enacted their laws, completed a highway system, connected their villages to the Internet, gained control of timber rights from the province, passed legislation that gives Nisga'a members individual land rights and started work on a museum to house the artifacts they took back from world museums.

Nisga'a leaders, past and present, have been generous in sharing their knowledge and experience with other First Nations that are seeking treaties. They have opened their doors so that other First Nations can see how their government works.

The Nisga'a treaty provides ownership of, and legal jurisdiction over, 2,000 sq km of Nisga'a lands; \$280 million in capital transfers over 14 years (adjusted dollars); \$38 million initially (to be renegotiated in 2010) to operate the Nisga'a Lisims Government; rights to hunt over 16,000 sq km of land; and rights to fish over 26,000 sq km of land, including commercial fishing.

LOOKING FORWARD

The Treaty Commission will have a much larger role to play in resolving territorial issues among First Nations.

The commitment of First Nations to resolving those territorial issues among themselves, with Treaty Commission assistance if required, will determine if they will have certainty over their interests, jurisdiction and use of resources. As well, resolving territorial issues may result in greater access to interim treaty benefits and a clearer path to treaty completion.

First Nations must be aware of all options available to them in treaty negotiations so they can decide what is in the best interests of their community. A commitment to innovative solutions and to reaching a final agreement should guide the negotiators, and the Treaty Commission will do its best to ensure all options are open for discussion in treaty negotiations.

The Government of Canada has reopened the potential for a self government agreement without a treaty. Certainly, there is a need for clarity on this important point. There is also the federal promise of a new pan-Canadian approach to financing self-governing First Nations. That has been a significant issue for First Nations with modern-day treaties and for those First Nations about to implement treaties. The Treaty Commission's role in the implementation stage of treaties is an issue that must be considered now that more First Nations are completing final agreements.

Several First Nations that could benefit from an incremental treaty agreement have been identified by the Treaty Commission. Similarly, there are opportunities with new federal treaty-related measures. As a long-time advocate for interim measures, the Treaty Commission welcomes these potential opportunities for progress in treaty negotiations.

The Human Resource Capacity Development Strategy, to be launched this fall, will help First Nations prepare for treaty implementation and self government. Initially, the Treaty Commission will raise awareness of the initiative and will then work with First Nations to explain or adapt the strategic process for their use as resources permit.



TSAWWASSEN EMBRACES ECONOMIC OPPORTUNITIES

Tsawwassen First Nation is on a mission to embrace new economic opportunities now that they are free from the *Indian Act* and self governing under treaty.

Tsawwassen, in one of its first decisions, became a full member of Metro Vancouver and now has a voice on issues important to the First Nation and to the region.

"It's amazing because for a long time we've been trying to assert ourselves as another level of government... we just weren't treated the same way we are now," said Chief Kim Baird.

"WE NO LONGER HAVE TO CONTINUE TO ASSERT THAT WE ARE A GOVERNMENT BECAUSE IT'S MORE WIDELY RECOGNIZED... THE DEVELOPMENT OF THE NEW RELATIONSHIPS HAS BEEN VERY POSITIVE AT ALL LEVELS."

The city of Delta and the First Nation are working on several joint projects and Delta continues to provide services to one residential development on Tsawwassen treaty lands because the service agreement is the same length as the lease — 99 years.

The first Act passed by Tsawwassen First Nation was the *Constitution Act*, which was based on two years of consultation by Tsawwassen members leading up to the ratification vote in 2007.

An Advisory Council was established under the Constitution to ensure that proposed laws, regulations and other actions are considered by the membership in an open forum prior to being passed or presented to the Executive Council for approval.

To give a voice to non-members living on Tsawwassen land, the Tsawwassen Government has set up a tax authority, so that residents can vote for the representatives who will participate in decisions regarding tax rates. Tsawwassen also has a consultation committee for lease holders that will address any matter that may impact them as a result of the treaty.

There have been challenges, of course. For one, the First Nation is making the transition from years of colonial dependence under the *Indian Act* to self-sufficiency. Human resource capacity continues to be a challenge, but the staffing capacity is better than it was.

Elder Wray Williams (left), youth Peter Grann, Minister Shirley Bond and Chief Kim Baird participate in the ground breaking ceremony on Tsawwassen First Nation industrial lands.

"The sheer scale of infrastructure needed is daunting — from water, sewer and roads," said Chief Baird. The Tsawwassen Government's responsibilities are somewhat akin to those of a municipality. The treaty implementation work plan identified over 40 projects that required completion before the effective date of the treaty.

"We have all been working very hard, and the change has been so enormous, that it is sometimes easy to lose focus," said Chief Baird. "The challenge is keeping everyone together moving towards our joint vision."

One of the first things Tsawwassen established was the TFN Economic Development Corporation, an arm's length company with a goal to develop the land and secure business partnerships. Its primary purpose is to generate "revenues and business and employment opportunities for the members." Having a corporation for economic development also separates business from First Nation politics.

"We understand through research by the Harvard school (The Harvard Project on American Indian Economic Development) and others that the most successful economic development corporations for First Nations... are the ones that have an arm's length relationship so that the political body and the First Nation aren't interfering with the job of the [corporation] to build the economy," said Chief Baird.

The treaty lands, valued at \$250 million, are in an enviable location. Nearby is the BC Ferries Terminal for Vancouver Island and the Gulf Islands, Highway 17, and Deltaport, an international shipping port. Tsawwassen First Nation's land is amidst a prime transportation hub and just 40 minutes from downtown Vancouver or the US border. As such, Tsawwassen holds the key to an international gateway for Asia/Pacific relations.

The corporation's first achievement is the newly opened Tsawwassen Gateway Logistics Centre situated on a 48-hectare industrial park. It is advantageously located next to Deltaport, Canada's largest container-port complex and bulk commodities terminal. Training is taking place nearby at the Tsawwassen Gateway Skills Centre, run by federally funded society the Aboriginal Skills and Employment Partnership (VanAsep). The Tsawwassen Gateway Logistics Centre will provide employment and revenues for the First Nation over the long term. The revenue will help fund some of the infrastructure needed on the Tsawwassen lands such as roads, sewers and water systems.

"We are looking forward to seeing the Tsawwassen Gateway Logistics Centre play a significant role in the transportation and supply chain sectors," Chief Baird said at the groundbreaking.

The logistics centre represents not only the beginning of a new economic future for Tsawwassen First Nation but also a new relationship with government, with a federal contribution of \$3 million from the Infrastructure Stimulus Fund and \$3 million from the province to extend services from the site. "It's a pot of funds that municipalities have received," said Chief Baird. "So, because of our new municipal-like status under the treaty, we are the only First Nation in Canada that received this money [from the stimulus fund]."

The logistics centre is one of two projects approved by a community vote. A 40-hectare site for a shopping centre along Highway 17 was also approved. "We are examining partners and potential models," said Chief Baird. A proposal for a waterfront retirement complex was not approved by Tsawwassen members.

Individual members are also starting to see treaty benefits. Members recently partnered with Colliers International to submit a proposal to develop a 50-hectare site for up to 1,100 single-family or multi-family housing.

"It is important to note that there are opportunities for both our individual members, on the Tsawwassen fee simple lands, and for the First Nation as a whole, on the public lands," said Chief Baird.

Individual properties were transferred to fee simple status as a part of the treaty, allowing members to own and sell their land. The land was approved as an "enterprise zone" by members, allowing a number of developments other than industrial to occur. If a buyer is found, the project would become the first and biggest housing development on TFN land in some time.

The treaty was not without controversy. Some residents were wary of the proposed housing development, feeling the area would be developed too fast. But Chief Baird points out, "If it complies with the existing land use plan then it wouldn't require the approval of the Tsawwassen Government," although they would still need to abide by the regulations. Others were concerned that 120 hectares of land was removed from the Agricultural Land Reserve to provide the First Nation with more development opportunities.



Tsawwassen First Nation members are drummed into their legislative chamber.

But despite the controversies and some opposition from its own members, Tsawwassen First Nation was convinced they needed a treaty to close the opportunities gap they faced. "Overcoming socio-economic disparities is one of our major goals," said Chief Baird. "A cultural revival, a renaissance... is another part of what we see happening and the treaty is helping to enable that."

The treaty includes a capital transfer and other one-time cash payments of \$33.6 million, funding for governance of \$2.9 million annually for the first five years, and 434-hectares of land in addition to reserve land, for a total of 724-hectares. The First Nation also has commercial fishing rights.

Tsawwassen First Nation will continue to receive fiscal transfers from the federal and provincial governments for the operation of programs and services, although that funding is subject to an Own-Source Revenue Agreement that claws back transfers as Tsawwassen First Nation develops its own government revenue capacity.

"We've used this treaty to be a transformative experience. We've taken on a suite of self-governance laws to eradicate the *Indian Act* system fundamentally and we've set a daunting pace but so far the work is rewarding because we're rebuilding our community."



MAA-NULTH FIRST NATIONS PREPARE FOR EFFECTIVE DATE OF TREATY

"SINCE THE TIME OF CONTACT, OUR CHIEFS AND LEADERS HAVE CONTINUOUSLY SOUGHT RECOGNITION OF OUR RIGHTS AND TITLE TO OUR HOMELANDS AND THE RIGHTFUL PLACE OF OUR PEOPLE THEREIN, AND HAVE SOUGHT TO REACH AGREEMENT ON HOW WE COULD CO-EXIST WITHIN OUR TERRITORIES... TOGETHER... WE HAVE MOVED ONE STEP CLOSER TO THE MEANING OF RECONCILIATION."

Huu-ay-aht First Nation Chief Councillor
Robert Dennis in 2007

The Maa-nulth First Nations are preparing for a historic day — April 1, 2011 the effective date of their treaty.

"With less than 200 days to the effective date for treaty implementation," says Huu-ay-aht First Nation Chief Robert Dennis, "I am pleased to report that our nation is confident, well prepared and equipped for this next chapter of our history."

Planned is a new administrative building with a reorganized Huu-ay-aht Government that will be able to bring services to citizens more efficiently. Also planned is much needed housing.

"I look forward to new business ventures and opportunities, creating new partnerships, promoting entrepreneurship and building a wealthy and proud nation through economic development," says Huu-ay-aht Councillor Irene D. Williams.

Huu-ay-aht has been managing a successful forestry business for many years. Now, under the treaty they have access to 8,300-hectares of timber, can sell into export markets and will no longer have to pay stumpage to the provincial government. In July, in an agreement with the BC government, Huu-ay-aht obtained a First Nations woodlot licence of 70,000 cubic metres annually.

The five Maa-nulth first Nations — Huu-ay-aht, Kyuquot-Checklesah, Toquaht, Uchucklesah, and Ucluelet First Nations — were the beneficiaries of early land transfers as a part of the final agreement. The six parcels transferred by the BC government were expected to speed up the process of self-sufficiency.

Huu-ay-aht First Nation received 31.5-hectares of waterfront land; Toquaht Nation 19-hectares near the entrance to Ucluelet Harbour; Uchucklesah Tribe 55-hectares near the entrance to Uchucklesit Inlet; and Ucluelet First Nation 34-hectares adjacent to the Pacific Rim National Park Reserve.

The Kyuquot-Checklesah First Nation received 1.8-hectares of land at Fair Harbour and 35-hectares on Amos Island.

Ucluelet First Nation opened the Wya Point Campground this past summer, which employs its own management team. The 50-site campground, surrounded by stunning old growth forest and west coast beaches, is the first phase of the Ucluth Eco Resort. The Ucluth Development Corporation was created previously by Ucluelet to generate revenues and economic opportunities for the First Nation.

Uchucklesaht Tribe is moving ahead with six projects as part of its five-year economic development plan. Under construction is Henderson Lake Lodge — the only lodge to be situated on the lake. The lodge will be able to boast beautiful scenery, abundant wildlife and a suite of eco-tourism activities made possible by commercial recreation tenures in the treaty.

The Green Cove land development project will provide lots that can be leased for a multitude of uses. The Handy Creek power project, negotiated as part of the treaty, will provide electricity to the Green Cove area. Two economic opportunities being considered are a bottled water company for the local and international markets and a rock and gravel business. Individual members will have access to business services to help them develop businesses on their lands.

"This treaty will provide our people with enough land, resources, and opportunities to generate our own revenues to help run our own governments," said Carla Halvorsen, Uchucklesaht media spokesperson, "It will establish new relationships with our neighbours."

Toquaht Nation is preparing an old mill site at Macoah for future development. The site, negotiated as part of the treaty, has been remediated for redevelopment. An environmental management plan is being developed for the First Nations' lands.

The five First Nations will not have a central government, although they are working together. Each First Nation is developing an individual governance structure and laws. The laws, when drafted, will undergo community review before being handed over to the lawyers.

To illustrate the scope of administrative and governance planning required before the effective date, Kyuquot-Checklesah has a separate committee for each proposed law — there are about 18 laws required to be in place for each First Nation. This is on top of the 28 committees Kyuquot-Checklesah has for each area of job training and capacity building. For example, there are committees for fish and forestry. Each of these committees identifies the infrastructure and training required for each industry.

"Getting our people ready is one of the challenges," says elected Chief Councillor Hupalhwatu. "We want to be ready for the effective date."



Iron posts marking the boundaries of the Hux-aht First Nation treaty settlement lands are stamped with their logo and the BC Crown symbol.

Federal negotiator Eric Denhoff says the Maa-nulth First Nations are well prepared for treaty implementation and have a final agreement structured to encourage efficiencies in governance, whether it's in health care, education or child and family welfare.

"Early land transfers were a shot in the arm in these tough economic times. Training funds help. Preparation funds help. Implementation funds are flowing and soon the first capital transfer will be made."

The Maa-nulth First Nations believe the benefits that flow from the treaty far outweigh the hard work that is involved in getting to the effective date. The treaty provides the First Nations with the opportunity to be self-governing and free from the *Indian Act*.

"This Maa-nulth treaty is recognition of the Uchucklesaht Tribes' rights and title, our ability to govern ourselves and to protect and manage our own communities, government, lands and natural resources," says Halvorsen.

"Negotiations were stressful, preparing laws (Acts) are demanding of time and energy," says Wii-tsuts-koom, "but the outcome of being your own government will be refreshing."

The Maa-nulth treaty settlement package includes nearly 25,000 hectares of land, \$73.1 million in cash, and average annual resource revenue payments of \$1.2 million for 25 years. The treaty also provides for hunting and fishing rights. The total value of the agreement is estimated at nearly \$500 million.

Together, the five First Nations are working on a harvest plan for fish and wildlife. They meet monthly, often with government representatives for Canada and BC, to address land, resource, financial and legal plans. The First Nations see the treaty as the beginning to a new relationship between the governments.

"Although the treaty will not in itself be the solution to all our issues and concerns, we look forward to a cooperative and supportive working relationship among [the Maa-nulth First Nations, Canada and British Columbia]," says Chief Councillor Charlie Cootes, "We are... beginning to utilize the tools in the treaty to improve the lives of the Maa-nulth First Nations' citizens."

"We will become an independent nation and have our own government that is recognized by both the provincial and federal governments," says Hupalthwatu. "It has been our goal for a very long time to strengthen our identity and we intend to use the treaty process to continue to do this."

For more information on the Maa-nulth First Nations' treaty: http://www.bctreaty.net/files/pdf_documents/What'sInTheseTreaties2008.pdf.

STATUS REPORT

There are 60 First Nations, including 110 Indian Act bands, participating in the BC treaty process.

FIRST NATIONS WITH RATIFIED FINAL AGREEMENTS [2]

Maa-nulth First Nations
Tsawwassen First Nation

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS [3]

Lheidli T'enneh First Nation
Sliammon First Nation
Yale First Nation

FIRST NATIONS IN ADVANCED FINAL AGREEMENT NEGOTIATIONS [2]

In-SHUCK-ch Nation
Yekooche Nation

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS [7]

K'omoks First Nation
'Nqmgis Nation
Nazko First Nation
Oweekeno Nation
Te'Mexw Treaty Association
Tla-o-qui-aht First Nation
Tsimshian First Nations

FIRST NATIONS IN ACTIVE TREATY NEGOTIATIONS [27]

Acho Dene Koe First Nation
Council of the Haida Nation
Da'naxda'xw Awaetlatla Nation
Ditidaht First Nation
Esketemc First Nation
Gitanyow Hereditary Chiefs
Gitxsan Hereditary Chiefs
Gwa'Sala-'Nakwaxda'xw Nation
Haisla Nation
Homalco Indian Band
Hul'qumi'num Treaty Group
Kaska Dena Council
Katzie Indian Band
Klahoose First Nation
Ktunaxa / Kinbasket Treaty Council
Laich-Kwil-Tach Council of Chiefs
Lake Babine Nation
Northern Shuswap Treaty Society
Pacheedaht Band
Quatsino First Nation
Snuneymuxw First Nation
Sto:lo Xwexwilmexw Treaty Association
Taku River Tlingit First Nation
Tlatlasikwala Nation

Tlowitsis First Nation
Tsay Keh Dene Band
Tsleil-Waututh Nation

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY [19]

Allied Tribes of La Kw'alaams,
Carcross / Tagish First Nation
Carrier Sekani Tribal Council
Champagne and Aishihik First Nations
Cheslatta Carrier Nation
Heiltsuk Nation
Hupacasath First Nation
Hwiltsum First Nation
Kwakiutl Nation
Liard First Nation
McLeod Lake Indian Band
Musqueam Nation
Nuu-chah-nulth Tribal Council
Ross River Dena Council
Sechelt Indian Band
Squamish Nation
Teslin Tlingit Council
Westbank First Nation
Wet'suwet'en Nation

COMPLETED

FIRST NATIONS WITH COMPLETED FINAL AGREEMENTS [3]

LHEIDLI T'ENNEH FIRST NATION

Lheidli T'enneh is continuing its consideration of whether to conduct a second ratification vote on the final agreement that was rejected by members in March 2007. In 2009, a special committee was established to thoroughly examine this issue and report to the chief and council with recommendations. The report of the special committee was presented to chief and council in September.

In July 2010, Canada advised Lheidli T'enneh that if a second ratification vote is not initiated by November, Canada will withdraw its support for the Lheidli T'enneh final agreement. The parties and the Treaty Commission have since been advised that a decision on a second ratification vote will be made before the deadline imposed by Canada. However, the First Nation is concerned that the deadline is aggravating divisions within the community.

The Lheidli T'enneh traditionally used and occupied the land and water around Prince George, including the Nechako and Fraser River area to the Alberta border. The First Nation has approximately 325 members and 685 hectares of reserve land just outside of Prince George.

SLIAMMON FIRST NATION

Sliammon has concluded treaty negotiations with the governments of Canada and British Columbia. Members will be asked to vote on the agreement following a period of community consultation this fall. The first of these consultations was held on the Sliammon Reserve in August and was attended by representatives for Sliammon, the governments of Canada and BC, and the Treaty Commission.

In October 2009, Sliammon members ratified the Sliammon Constitution to be enacted on the effective date of the Sliammon Final Agreement.

If approved, the treaty is to include 8,322 hectares of settlement land, almost \$30 million in cash, an additional \$7 million for an economic development fund, as well as funds for other projects. Settlement lands comprise nearly 70 kilometres of waterfront.

Sliammon First Nation has a population of approximately 965 and traditionally occupied and used the lands and waters in the vicinity of Powell River and Powell Lake and parts of the Gulf Islands, the Courtenay area and Desolation Sound.

YALE FIRST NATION

Yale is preparing for a ratification vote by its members. The treaty includes 1,599 hectares of Crown land and existing reserve lands for a total of 1,820 hectares with a capital transfer of \$10.7 million and economic development funding of \$2.2 million. Yale will have the right to harvest fish, wildlife and migratory birds and to gather plants in their traditional territory.

Yale has a population of approximately 150 members and traditionally used and occupied the land around Yale, north of Hope.

ADVANCED FINAL

FIRST NATIONS IN ADVANCED FINAL AGREEMENT NEGOTIATIONS (2)

IN-SHUCK-CH NATION

On December 4, 2009 negotiators for the three parties agreed the final agreement was substantially complete and there was an understanding of the land, cash and collective rights to be included in the treaty. Then, on January 30, 2010 members of the Douglas First Nation voted to withdraw from the In-SHUCK-ch treaty negotiations. The In-SHUCK-ch Final Agreement has not been initialled and the process for ratification is on hold until the concerns of Douglas are addressed. Negotiators for the parties are working to amend the agreement. Measures include changing the ratification process so that the three communities, including Douglas, will each have their own vote. Douglas also wants to preserve ownership and protection of its reserve lands, business and economic interests after treaty, which would also apply to Skatin and Samahquam. Information sessions are currently being held to discuss and review amendments and answer any questions. Douglas will have the opportunity to reconsider its participation in the In-SHUCK-ch Final Agreement once the information sessions are concluded.

In-SHUCK-ch Nation traditionally occupied and used the land generally located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake and has 940 members.

YEKOOCHIE NATION

Yekooche is in the final stages of treaty negotiations with substantial agreement on the final agreement. However, the absence of a federal mandate on fish continues to be a major obstacle to completion of a Yekooche final agreement and concern within the Yekooche community over fish is growing. Yekooche is considering its options.

Even though the issue of fish is delaying a final agreement at the Yekooche table, Yekooche continues to work on community renewal, overlaps with its neighbours, and other issues. Yekooche is also anxious to receive an enhanced land and cash offer from Canada and BC (a commitment for such an offer was made in 2009). Regular consultations with the community on the status of the treaty table and closing issues are ongoing.

Yekooche First Nation has a population of approximately 220 and traditionally occupied and used lands and waters near Stuart Lake, Cunningham Lake and portions of Lake Babine.

ADVANCED

FIRST NATIONS IN ADVANCED AGREEMENT IN PRINCIPLE NEGOTIATIONS (7)

K'OMOKS FIRST NATION

The K'omoks (KFN) table has continued to make considerable progress in negotiations through 2010. The table has substantially completed chapter work for the agreement in principle. BC and Canada presented a revised land and cash offer in the spring of 2010 and K'omoks has tabled a formal response. The governments continue their consultation work with local and regional governments and third party interests.

While the extensive work at the K'omoks table has shown promise in concluding an agreement in principle in the coming year, KFN's interest in acquiring overland access to the western tip of Goose Spit remains outstanding. Indian and Northern Affairs Canada has coordinated with the Department of National Defence to determine suitable options for resolving the access issue. As well, forestry and aquaculture issues continue to be discussed.

To support progress on the agreement in principle, K'omoks will receive three Treaty Related Measures (TRM) that will facilitate the transition to a self-governing First Nation. These TRM's will support capacity development through human resource strategic planning, shellfish and aquaculture, and economic development initiatives.

K'omoks has approximately 300 members and their traditional territory covers the central east part of Vancouver Island and extends to Johnstone Strait.

'NĀMGIS NATION

The 'Nāmgis Nation table is continuing negotiations on an agreement in principle. An initial offer was tabled by the governments of Canada and BC in January 2009. Following a preliminary response, 'Nāmgis is assessing the implications of treaty settlement, particularly with respect to economic opportunities and impacts. Work on issues including proposed land settlement, fiscal and tax arrangements, collaborative management approaches and reasonable opportunity are ongoing. 'Nāmgis has targeted December 2010 for conclusion of the agreement in principle but recognize making progress on a number of key issues, including re-engagement by Canada in fisheries negotiations, will be crucial to meeting this timeline.

'Nāmgis has been in discussions with First Nation neighbours on shared and overlapping territory issues, but progress has been slow and efforts continue. 'Nāmgis is also directing increasing resources to communication within their community. Community meetings, feasts, regular newsletters and bulletins and the development of a community constitutional development committee have built on work already being done.

The 'Nāmgis traditional territory is at the north end of Vancouver Island and extends from the Nimpkish watershed to the east and west. More than half of their approximately 1620 members live at Alert Bay on Cormorant Island.

NAZKO FIRST NATION

Nazko made significant progress on an agreement in principle in 2009-10. These efforts were rewarded by the decision of BC to pursue an incremental treaty with Nazko that will provide immediate and future benefits for the community. Nazko has also devoted considerable time to addressing overlaps with neighbouring First Nations.

Nazko First Nation has a population of approximately 340 and its traditional territory extends from southwest of Quesnel to Prince George in the north.

OWEEKENO

(WUIKINUXV) NATION

Wuikinuxv is negotiating to conclude an agreement in principle. Issues related to land quantum, tenure allocation and co-management remain key items on which the parties are trying to reach agreement. Canada's approaches to fiscal and fisheries related issues are yet to be resolved.

Wuikinuxv has approximately 280 members, a third of whom live on reserve at River's Inlet.

TE'MEXW TREATY ASSOCIATION

Te'Mexw is close to completing the majority of chapters in the agreement in principle and is awaiting a closing offer from the provincial and federal governments in the autumn or winter of 2010. However, some issues remain outstanding and will be negotiated during the final agreement negotiations.

The lack of surplus crown land in the South Vancouver Island area is a serious obstacle for Songhees and Beecher Bay First Nations. Te'Mexw is negotiating to ensure the historical Douglas Treaty is protected. As Te'Mexw First Nations are surrounded by 42 regional districts, municipalities, and cities — it is important that Te'Mexw has meaningful input on issues in and around their traditional territories through shared decision making.

On the effective date of the treaty, Te'Mexw will have five separate treaties — one for each First Nation.

Te'mexw Treaty Association represents five First Nations: Malahat; Scia'new (Beecher Bay), T'sou-ke (Sooke), Snaw-naw-as (Nanoose) and Songhees. Their common bond is that they assert rights as beneficiaries of the historic Douglas Treaties.

TLA-O-QUI-AHT FIRST NATIONS

Tla-o-qui-aht First Nations have made substantial progress on an agreement in principle since submitting a Statement of Intent to negotiate in July 2008. Chapters including governance, provincial parks, capital transfer and taxation have been addressed by side table working groups and recommendations coming forward to the main table have been successful although difficult issues remain. Canada's inability to negotiate fish remains an important issue yet to be resolved, as is Canada's recent decision to withdraw its earlier agreement regarding much of the fiscal relations chapter.

Tla-o-qui-aht signed an Incremental Treaty Agreement with the BC government in 2008, and received a revised land and cash offer in the spring of 2010. Internal evaluation is ongoing and a formal response to the offer by the federal and provincial governments was expected in late September.

Looking toward the completion of the agreement in principle and beyond to the ratification of the final agreement, Tla-o-qui-aht have recruited and trained a team of communications workers who have developed publications and facilitated treaty update meetings for community members both on reserve and in Vancouver, Victoria, Nanaimo and other centres. They have also provided information for schools in Tofino and Ucluelet and continue to visit community members in their homes to discuss treaty issues.

The traditional territory or *Haahuulthii* of the Tla-o-qui-aht First Nations extends west from the Tofino area to Kennedy Lake in the south, Adder Mountain in the east and the area around Rhine Peak in the north. Tla-o-qui-aht First Nations represent approximately 955 people residing within and away from the traditional territory.

TSIMSHIAN FIRST NATIONS

Two of the five Tsimshian First Nation communities have taken a separate and expedited approach to treaty negotiations. Kitselas and Kitsumkalum are making substantial progress on an agreement in principle, which they hope to complete by the end of 2010. The lack of a federal fisheries mandate remains a hurdle.

The other Tsimshian communities are approaching treaty negotiations more cautiously, or have taken a pause from negotiations. Kitasoo/Xaixais has re-engaged with its own side table and Gitga'at has indicated its intention to return to negotiations after several years of hiatus. Metlakatla has confirmed their community's direction to formally re-engage in active negotiations in the fall of 2010. The Tsimshian communities continue to look for solutions over their differences on the proposed Prince Rupert Port expansion and to come together for discussions on economic development and internal boundary relationships.

The First Nations' territory spans the northwest coast, including Prince Rupert and Terrace. The First Nation comprises five communities: Gitga'at, Kitasoo/Xaixais, Kitselas, Kitsumkalum and Metlakatla First Nations, with a combined population of approximately 3,150.

ACTIVE

FIRST NATIONS IN ACTIVE TREATY NEGOTIATIONS (27)

FIRST NATIONS IN STAGE 4

DA'NAXDA'XW AWAETLATLA FIRST NATION

Da'naxda'xw was a member of the Winalagalis Treaty Group. In 2010, the members of Winalagalis decided to dissolve the organization because, in their view, the individual members were likely to achieve greater progress on their own. Since that time, Da'naxda'xw has been occupied with plans to resume negotiations on its own.

Da'naxda'xw traditionally occupied the land and water in and around northern Vancouver Island.

DITIDAHT FIRST NATION AND PACHEEDAHT BAND

Ditidaht and Pacheedaht are negotiating an agreement in principle together. Since the appointment of a new negotiator in 2009, significant progress has been reported. In 2010, BC announced that it had obtained a mandate for an incremental treaty agreement with both First Nations that will include immediate and future benefits for the communities. Indications are that an agreement in principle can be reached by early 2011.

Ditidaht has approximately 715 members, almost half of whom live on the Ditidaht reserve located near Nitinaht Lake. Pacheedaht has approximately 260 members and its offices are located at Port Renfrew. The combined traditional territories of Ditidaht and Pacheedaht span the southwest corner of Vancouver Island.

ESKETEMC FIRST NATION

Esketemc continues to work with the other parties on chapter language for the treaty. Even though substantial differences exist, progress was made. Esketemc is confident that as some of the more difficult issues are finally resolved, negotiations on an agreement in principle can be accelerated. Esketemc is also exploring ways by which to strengthen community engagement with the work of the treaty office.

The population of Esketemc is approximately 800 members and its traditional territory is centred on the community at Alkali Lake, 50 kilometres southwest of Williams Lake.

GITANYOW HEREDITARY CHIEFS

There has been little progress made in tripartite negotiations in the past year and major differences remain between the parties. Negotiations between Gitanyow and the BC government are continuing, which include discussions on the potential for an incremental treaty agreement.

The traditional territory of the Gitanyow spans the middle reaches the Nass River with a population of approximately 755 people.

GITXSAN HEREDITARY CHIEFS

Tripartite treaty negotiations are continuing with discussion focused on an alternate governance model and how it would be incorporated in a comprehensive agreement.

Gitxsan traditionally occupied and used the land and water around the upper reaches of the Skeena and Nass rivers. The First Nation includes all or part of the populations of Gitanmaax Band, Gitwangak Band, Kispiox Band, Gitsegukla Indian Band and Glen Vowell Indian Band and comprises approximately 6,075 members.

GWA'SALA-'NAKWAXDA'XW FIRST NATION

Gwa'sala-'Nakwaxda'xw was a member of the Winalagalis Treaty Group. In 2010, the members of Winalagalis decided to dissolve the organization because, in their view, the individual members were likely to achieve greater progress on their own. Since that time, Gwa'sala-'Nakwaxda'xw has been occupied with plans to resume negotiations on its own.

Gwa'sala-'Nakwaxda'xw traditionally occupied the land and water in and around northern Vancouver Island.

HAISLA NATION

The parties held an initial meeting in September to determine if there is a basis to re-engage in treaty negotiations and have committed to further tripartite meetings.

Haisla Nation has a population of approximately 1,630 and its traditional territory occupies an area on the central west coast of BC from Kitammat Arm, Devastation Channel, Kildadas Arm, the upper reaches of Douglas Channel, Gardner Channel, Verney Passage and the upper reaches of Princess Royal Channel.

HOMALCO INDIAN BAND

Homalco has made substantial changes to its treaty office and adopted an ambitious work plan that includes a stronger focus on land selection and strengthening capacity for treaty negotiations. Homalco's aim is to achieve an agreement in principle within 18 to 24 months. Homalco is also committed to improving the level and effectiveness of community consultation and public education on treaty issues. With these changes, some progress has been made at the Homalco table in key areas.

Priorities for Homalco this past year were economic development (including forestry, eco-tourism and a major independent power project) as a lever for creating momentum for a Homalco treaty, as well as addressing territorial overlaps with other First Nations.

Homalco has a population of approximately 460. The lands and waters traditionally occupied and used by the Homalco people extend from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River, and to Stuart Island and Bute Inlet and its watershed.

HUL'QUMI'NUM TREATY GROUP

Tripartite activity in the past year was minimal. The critical issue of private land remains a major obstacle to progress. Hul'qumi'num Treaty Group (HTG) was a key participant in the Common Table discussions and the issues raised in that forum continue to be important.

As the year ended, there was some indication that the parties may be prepared to resume tripartite discussions on key issues. The Treaty Commission has been directly involved in exploring new avenues for dialogue amongst the parties.

Hul'qumi'num's petition to the Inter-American Commission on Human Rights (IACHR) was allowed to proceed. It is unclear at this stage what the implications of this ruling or any subsequent decision on the merits of the petition may have for the table.

The HTG represents six communities including Chemainus, Cowichan Tribes, Halalt, Lake Cowichan, Lyackson and Penelakut with a combined population of approximately 6,750. The First Nations assert that they traditionally occupied and used lands and waters encompassing part of southern Vancouver Island, the waters of the Strait of Juan de Fuca and the Strait of Georgia, and on the mainland along a narrow corridor extending from the coast to Yale in the east.

KASKA DENA COUNCIL

Kaska and the governments of Canada and BC are actively negotiating and steadily gaining momentum, as negotiators explore how to incorporate talks on shared decision making and revenue sharing and a potential incremental treaty agreement. The parties are also discussing important social issues that affect the Kaska communities and are working on finding solutions.

The Treaty Commission has partnered with the Kaska Dena Council to build a human resources capacity development strategy that will assist

the First Nation in preparing its people to take on the responsibilities of self-government under a treaty. This strategy, once completed, will be available to all interested First Nations.

Kaska Dena Council is closely linked with its neighbouring Kaska Nation communities, Liard First Nation and Ross River Dena Council — with a combined membership of approximately 3,000. The First Nations' traditional territory ranges from north central BC to the Yukon and Northwest Territories.

KATZIE INDIAN BAND

The parties have prepared drafts of every chapter for an agreement in principle and are in substantial agreement on most topics. Some of the key outstanding areas are the General Provisions and Katzie's role off treaty settlement land. Katzie is awaiting a land and cash offer from Canada and BC, perhaps in spring 2011, after which the parties will address outstanding issues on land, access and crown corridors.

Katzie is undertaking further internal work on governance, eligibility and enrolment, and is continuing work with local governments and neighbouring First Nations.

Katzie members number approximately 495 and traditionally used and occupied the land and water around Pitt Lake, Pitt River, Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley and New Westminster.

KLAHOOSE FIRST NATION

Klahoose and the BC government signed an incremental treaty agreement in 2009, which in addition to providing the First Nation with land and cash, committed the parties to resume active treaty negotiations. There have been no tripartite negotiations over the past two years. Klahoose has been consulting with Sliammon First Nation to gain knowledge about their final agreement, specifically on land and land use issues.

Klahoose First Nation has approximately 325 members whose traditional territory is on the mainland opposite Campbell River.

KTUNAXA / KINBASKET TREATY COUNCIL

Shuswap Indian Band has made the decision to withdraw from Ktunaxa/Kinbasket Treaty Council (KKTC) and the treaty process, a decision that has been accepted by the Treaty Commission. Negotiations are continuing at KKTC with chapter language developed for governance. The parties have made treaty land identification a priority for 2010.

Ktunaxa/Kinbasket Treaty Council includes Lower Kootenay Indian Band, Columbia Lake First Nation, St. Mary's Indian Band and Tobacco Plains Band. They have a combined population of approximately 1,000 members and their traditional territory lies between the Rocky Mountain Trench and the Upper Arrow Lakes together with adjacent watersheds.

LAICH-KWIL-TACH COUNCIL OF CHIEFS

There have been several tripartite meetings since last fall; however the main table has evolved into a technical working group involving all three parties. Work is ongoing for a governance treaty-related measure (TRM) and chapter work has proceeded as far as the First Nation feels comfortable going at this point. The First Nation is looking to the Common Table to assist in resolving outstanding issues such as certainty and shared decision-making. The three First Nations comprising the Council have engaged in an important governance and territory sharing process, which the Treaty Commission has supported over the past year, and which is seeing some results.

The Council of Chiefs is comprised of three First Nations including Kwiakah, Wei Wai Kai, and Wei Wai Kum. Traditionally these First Nations occupied and used the lands and water around Campbell River,

Courtenay and Comox, including parts of Knight, Call, Loughborough, Bear and Toba inlets. Today their collective population is approximately 1,615 members.

LAKE BABINE NATION

In early 2009, BC and Lake Babine entered into bilateral negotiations on an incremental treaty agreement with the aim of providing benefits for Lake Babine before an agreement in principle is reached. Negotiations on the incremental treaty agreement are at a critical stage as BC and Lake Babine try to overcome differences on critical issues.

Some progress has been made on chapter language for an agreement in principle. However, major gaps in the positions of the parties still exist. The absence of a federal mandate on fish is also complicating negotiations because of the long standing position of Lake Babine that any modern treaty must recognize their fishing rights under the "Barricade Treaty" of the early 1900s.

As Yekooche First Nation approaches a final agreement, the territorial issues between Yekooche and Lake Babine have received greater attention. In 2009, the federal and provincial governments initiated a process to consult Lake Babine on the impact of a Yekooche final agreement on their section 35 rights. These consultations

are ongoing but, to date Yekooche and Lake Babine have made no progress in resolving their territorial issues.

Lake Babine Nation represents Woyenne, Old Fort, Tachet, Donald's Landing and Fort Babine. The combined population is approximately 2,300 and their traditional territory spans an area from Burns Lake in the south to the Babine and Nilkitaw rivers to the north including most of Lake Babine.

NORTHERN SHUSWAP TREATY SOCIETY

In 2009, it became apparent that negotiations had reached a critical stage. The land and cash offer made to Northern Secwepemc te Qelmuw (NStQ) by Canada and BC in April 2009 was a major disappointment. The counter-offer by NStQ to Canada and BC in June 2009 was not effective in narrowing the gap. However, in late 2009 NStQ indicated its willingness to explore a range of options to overcome the sizable gap between the parties including a greater role for NStQ First Nations off of treaty settlement land. Since that time, discussions on land selection and the role of NStQ off of treaty settlement land have been ongoing.

NStQ represents more than 2,195 people of Northern Secwepemc te Qelmuw ancestry from four member communities: Williams

Lake Band (T'exelc), Soda Creek Band (Xat'sull/'Cmetem), Canoe/Dog Creek Band (Stswechem'c/Xgat'tem) and Canim Lake Band (Tsq'escen').

QUATSINO FIRST NATION

The four Nations of the Winalagalis Treaty Group are now pursuing separate treaties after negotiating together since 1997. Quatsino has made progress working with the other governments with a focus on lands.

Quatsino traditionally occupied the lands and waters around the north end of Vancouver Island and has approximately 500 members.

SNUNEYMUXW FIRST NATION

No tripartite activity occurred in the past year. However, Snuneymuxw is reviewing its options including a plan to re-engage with Canada and BC with special attention to the Douglas treaty concluded by Snuneymuxw. The challenge identified by the current leadership of Snuneymuxw (a condition for community support for treaty) is to reconcile the relationship of the historic Douglas treaty made in 1854 with the larger goal of concluding a modern treaty.

Snuneymuxw has approximately 1,600 members and its traditional territory ranges from central Vancouver Island, including Gabriola Island, Mudge Island and other islands in the vicinity of the Nanaimo River watershed.

STÓ:LO XWEXWILMEXW TREATY ASSOCIATION

Seven Stó:lo communities are negotiating together as the Stó:lo Xwexwilmexw Treaty Association (SXTA). The table has progressed slowly because of the SXTA's disappointment with the governments' responses to Common Table issues. SXTA has also been focused on fish and access to fishing sites on the Fraser River, and has engaged in discussions with the governments of Canada and BC over its concern with the Yale First Nation Final Agreement.

The SXTA community outreach program continues to share treaty-related information and gain community feedback on treaty-related issues.

The seven Stó:lo communities currently in treaty negotiations are: Aitchelitz, Leq'a:mel, Popkum, Skawahlook, Skowkale, Tzeachten and Yakweakwoose with approximately 1,700 members. The SXTA Statement of Intent includes the lower mainland of south western BC with a core interest area associated with the central and upper Fraser Valley, Chilliwack River Valley, lower Harrison Lake, and lower Fraser Canyon.

TAKU RIVER TLINGIT

The Taku River Tlingit First Nation (TRTFN) community has given its leaders a five-year mandate to negotiate a treaty. The governments of BC and Canada and the Treaty Commission participated in community meetings with leaders and TRTFN's membership to determine the best way to move forward in negotiations on an agreement in principle. The First Nation is undertaking a review of its negotiation process and team. BC and Canada remain committed to negotiations.

Taku River Tlingit First Nation has a population of approximately 380 and its traditional territory is situated in northwest British Columbia and southwest Yukon.

TLATLASIKWALA NATION

Tlatlasikwala was part of the Winalagalis Treaty Group which dissolved earlier this year. A number of bilateral meetings have been held in an effort by all parties to determine how best to move forward. Tlatlasikwala is currently assessing how it will proceed and is seeking further input from the governments of Canada and BC.

Tlatlasikwala traditionally occupied the lands and waters in the northern tip of Vancouver Island and has approximately 70 members.

TLOWITSIS FIRST NATION

Tlowitsis has made progress in developing an agreement in principle even though major differences exist on key issues. To accelerate negotiations, Tlowitsis is making extensive use of agreements or developments at other tables where these arrangements meet Tlowitsis interests. However, Tlowitsis has also shown it can be innovative and proposals on new approaches to complex issues have been made by Tlowitsis in some areas.

In 2009, land selection became a top priority for Tlowitsis. Since that time, substantial time and resources have been expended by Tlowitsis on identifying lands of interest including land for the establishment of a habitable community. At present, Tlowitsis has no inhabited reserves. Tlowitsis has also conducted extensive consultations with Tlowitsis members on development of a Tlowitsis Constitution that will be incorporated into a final agreement.

Tlowitsis First Nation has a population of nearly 400 and its traditional territory spans part of northeast Vancouver Island and an area on the mainland northwest of Campbell River.

TSAY KEH DENE BAND

The table has made steady progress on chapter language for an agreement in principle. However, major gaps exist on key issues. In March 2010, a review of the status of the agreement in principle was conducted by the parties and areas of disagreement were identified for further discussion. Tsay Keh Dene (TKD) is also considering intensifying its public information and education efforts within the TKD community to insure members are fully informed of developments at the treaty table.

Tsay Keh Dene has a population of approximately 400 and its traditional territory encompasses an area bounded by Mount Trace in the north, by South Pass Peak in the west, by the Nation River in the south and by Mount Laurier in the east.

TSLEIL-WAUTUTH NATION

The Tsleil-Waututh table has undertaken a review and update of the agreement in principle with substantial progress on Governance, Culture and Heritage, Migratory Birds, Parks, Environmental Assessment and Protection, Forest Resources, and Local and Regional Government Relations. A timeline for concluding the agreement in principle is yet to be determined.

Tsleil-Waututh has concluded some important governance work over the past year; a protocol with local government has been signed and work to re-visit their constitution is underway. Tsleil-Waututh reports they are making progress on resolving shared territory issues. A protocol with Squamish Nation has been signed and a protocol with the Tsawwassen First Nation is close to completion. Preliminary discussions are underway with Musqueam Nation and In-SHUCK-ch Nation.

Tsleil-Waututh Nation has approximately 445 members and their people have traditionally lived on the land and waters around North Vancouver and the Lower Mainland.

FIRST NATIONS IN STAGE 3**COUNCIL OF THE HAIDA NATION**

A great deal occurred on the negotiation front with the Haida in the past year. How all these measures fit within the framework of treaty negotiations, if at all, is not known at this time. A protocol was signed on December 11, 2009 between the province and the Haida. The "Kunst'aa Guu — Kunst'aayah Reconciliation Protocol" states that it is part of an incremental process the parties have agreed on for the negotiation of a more comprehensive tripartite "Reconciliation Agreement" which would require the participation of

Canada. The protocol builds on the success of the Strategic Land Use Agreement signed between BC and the Haida in 2007 and establishes a new model for shared decision-making. In addition, the protocol deals with carbon offset and resource revenue sharing; forest tenures and other economic opportunities; and the enhancement of Haida socio-economic well being. Each of the province and the Haida House of Assembly are committed to passing legislation to assist with the implementation of the protocol.

The Government of Canada also signed a significant agreement on January 16, 2010 that commits the federal government and the Council of the Haida Nation to share in the planning, operations and management of the waters surrounding the Gwaii Haanas protected area in southern Haida Gwaii. This new Gwaii Haanas Marine Agreement is an important step towards the Government of Canada's proposal to establish these waters as a National Marine Conservation Area Reserve that would complement the existing Haida designation of the area as a Heritage Site. The Gwaii Haanas Marine Agreement expands upon the partnership that began with the signing of the Gwaii Haanas Agreement (1993 - land area). The proposed boundaries of the Gwaii Haanas National Marine Conservation

Area Reserve follow those of the Haida Heritage Site extending about 10 kilometres offshore from Gwaii Haanas, encompassing approximately 3,400 square kilometres of the Hecate Strait and Queen Charlotte Shelf Marine Regions. The addition of the Gwaii Haanas marine area to the existing national park reserve will result in over 5,000 square kilometres of protection from mountain top to sea floor.

The provincial government passed a bill on June 3 called the *Haida Gwaii Reconciliation Act*, establishing the legislative basis for the shared decision-making model in the Reconciliation Protocol and restoring the name Haida Gwaii to the Queen Charlotte Islands. The Queen Charlotte name was returned to the Crown by the Haida at an historic 'Giving Back the Name with Respect Ceremony' held in Old Masset on June 17, 2010.

Located on Haida Gwaii, the council has 4,150 members.

FIRST NATIONS IN STAGE 2

ACHO DENE KOE FIRST NATION

Since Acho Dene Koe (ADK) entered the BC treaty process in 2000, BC has not negotiated because ADK's claim spans three jurisdictions (BC, Yukon and the NWT). ADK is also a signatory to Treaty 11. However, Canada has not fulfilled key obligations under that treaty including the establishment

of reserves. After more than 10 years of delay, the Treaty Commission has strongly urged BC to develop a mandate for negotiations with ADK. The need to avoid any further delay in negotiating ADK's BC claim is heightened by the progress made by ADK in negotiating a comprehensive claim in the NWT. ADK has always insisted that it will not conclude a claim in the NWT because of the certainty model demanded by Canada without resolving its BC claim. Major oil and gas development in the Horn River Basin within the BC portion of the ADK claim area and the growing disruption to the traditional activities of ADK members is another reason for addressing the claim in BC in the interests of all parties.

The First Nation has approximately 650 members and its traditional territory spans a vast area within BC, the NWT and Yukon. The main modern-day settlement is Fort Liard, a hamlet 25 kilometres north of the BC/Northwest Territories border. ADK maintains a small settlement at the historic community of Francois in northern BC.

NOT NEGOTIATING

FIRST NATIONS NOT CURRENTLY NEGOTIATING A TREATY (19)

ALLIED TRIBES OF LAX KW'ALAAMS

There has been no tripartite activity at this table since mid-2005 when the Treaty Commission accepted the Statement of Intent of the Allied Tribes of Lax Kw'alaams.

The Allied Tribes of Lax Kw'alaams were formally part of the Tsimshian Tribal Council and separated in the spring of 2004. Located northwest of Prince Rupert, the Allied Tribes have a population of approximately 3,220.

CARCROSS/TAGISH FIRST NATION

Carcross Tagish's (CTFN) rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. There have been no tripartite treaty negotiations in BC.

CTFN is one of three Yukon First Nations with interests in BC.

CARRIER SEKANI TRIBAL COUNCIL

There have been no tripartite negotiations at the Carrier Sekani Tribal Council (CSTC) table this year.

CSTC represents eight First Nations in the treaty process: Burns Lake Indian Band (Ts'il Kaz Koh First Nation), Nadleh Whut'en Band, Nak'asdlí Indian Band, Saik'uz First Nation, Stellat'en First Nation, Takla Lake First Nation, Tl'azt'en Nation and Wet'suwet'en First Nation. The combined population of CSTC is approximately 6,000. CSTC's traditional territory is in excess of 90,000 square kilometres in north central BC.

CHAMPAGNE AND AISHIHIK FIRST NATIONS

Champagne and Aishihik's (CAFN) rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. Land claim negotiations concerning the portion of CAFN's territory within BC have not been completed but, in the interim an innovative agreement with the BC government has been reached which provides for joint management authority of Tatshenshini-Alsek Park. There have been no tripartite treaty negotiations in BC.

CAFN is one of three Yukon First Nations with interests in BC.

CHESLATTA CARRIER NATION

The Cheslatta Carrier treaty table remains inactive. There have been no tripartite treaty negotiations since 1997.

The population of Cheslatta is approximately 320 members and their traditional territory encompasses the area around Ootsa and Eutsuk lakes in central British Columbia.

HEILTSUK NATION

The Heiltsuk table remains inactive. There have been no tripartite treaty negotiations since 2001.

Heiltsuk is based on Campbell Island with traditional territory extending across the central coast and has approximately 2,235 members.

HUPACASATH FIRST NATION

There were no tripartite treaty negotiations in the past year.

Hupacasath First Nation is located in the Port Alberni area of Vancouver Island and has approximately 265 members.

HWLITSUM FIRST NATION

The Statement of Intent to negotiate a treaty submitted by Hwlitsum First Nation was accepted by the Treaty Commission in May 2008. The governments of Canada and BC have yet to make a commitment to negotiate with Hwlitsum.

Comprising more than 300 members, the traditional territory of the Hwlitsum First Nation encompasses a large portion of the Lower Mainland, Gulf Islands and a portion of Vancouver Island.

KWAKIUTL NATION

The First Nation stepped back from treaty negotiations in 2004, but has not withdrawn from the treaty process.

LIARD FIRST NATION

Liard is a Yukon First Nation that has not concluded a final agreement in the Yukon. There have been no tripartite treaty negotiations in BC.

The First Nation has interests in BC and is affiliated with the Kaska Nation, which includes the Kaska Dena Council and Ross River Dena Council.

The traditional territory of the Kaska people ranges from north central BC to the Yukon and Northwest Territories.

MCLEOD LAKE INDIAN BAND

There have been no tripartite treaty negotiations.

The McLeod Lake Indian Band has approximately 500 members and its main community lies 150 km north of Prince George.

MUSQUEAM NATION

There were no tripartite treaty negotiations in 2010. Musqueam is exploring the potential for a stand-alone self government agreement.

The First Nation has approximately 1,220 members with a traditional territory spanning the Greater Vancouver area.

NUU-CHAH-NULTH TRIBAL COUNCIL

There have been no tripartite treaty negotiations at the Nuuchahnulth treaty table since 2005.

The Nuuchahnulth treaty table comprises Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht, Nuchatlaht and Tseshaht First Nations, with a combined population of approximately 4,650. Their traditional territories span the west coast of Vancouver Island from Barkley Sound to Kyuquot Sound.

ROSS RIVER DENA COUNCIL

Ross River is a Yukon First Nation that has not completed a final agreement in the Yukon. There have been no tripartite treaty negotiations in BC.

The First Nation has interests in BC and is affiliated with the Kaska Nation, which includes the Kaska Dena Council and Liard First Nation. The traditional territory of the Kaska people ranges from north central BC to the Yukon and Northwest Territories.

SECHELT INDIAN BAND

No tripartite activity occurred at the Sechelt table in 2010.

Sechelt has been self-governing since 1986 when it signed the first self government agreement in Canada, the Sechelt Indian Band Self Government Agreement. Sechelt, a First Nation with approximately 1,235 members, traditionally occupied and used the land and water around the Sechelt Peninsula.

SQUAMISH NATION

There have been no tripartite treaty negotiations in the past year.

The traditional territory of the Squamish ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed. The First Nation has approximately 3,675 members.

TESLIN TLINGIT COUNCIL

Teslin Tlingit's (TTC) rights to the Yukon portion of its traditional lands and resources were confirmed in the final agreement signed in 1993 with the governments of Canada and Yukon. There have been no tripartite treaty negotiations in BC.

TTC is one of three Yukon First Nations with interests in BC.

WESTBANK FIRST NATION

Westbank has withdrawn from treaty negotiations because of major differences with the other two governments over what constitutes a fair agreement.

Located in the Kelowna area, Westbank has approximately 685 members.

WET'SUWET'EN NATION

In October 2009, a recommendation to withdraw from treaty negotiations was made at an All Clans meeting. The major differences between the parties were discussed at a subsequent meeting. Most recently the First Nation has begun preliminary discussions with Canada and BC to determine whether there is an opportunity to resume treaty negotiations.

Wet'suwet'en traditionally occupied and used the Bulkley River drainage area in northwest BC. The First Nation includes members of Hagwilget village and Moricetown and has a total population of approximately 2,700.

ABOUT US

The Treaty Commission is the independent body responsible for facilitating treaty negotiations among the governments of Canada and British Columbia and First Nations in BC. The Treaty Commission does not negotiate treaties — that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement of Canada, BC and the First Nations Summit. They are guided by the agreement and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission was mandated to facilitate negotiations towards fair and durable treaties under the six-stage treaty process. The process is voluntary and open to all First Nations in BC.

As the independent keeper of the BC treaty process, the Treaty Commission has three complementary roles: facilitation, funding, and public information and education.

Funding from the federal and provincial governments for the operating costs of the Treaty Commission for the 2009-2010 fiscal year was \$2.55 million. Total funding for operations from 1993 to March 31, 2010 is approximately \$36.5 million. The government of Canada contributes 60 per cent of the Treaty Commission's budget and the BC government contributes 40 per cent.

The Treaty Commission comprises a chief commissioner, four commissioners and 10 staff.

REPORT ON FACILITATION

The Treaty Commission's primary role is to oversee the negotiation process and to make sure the parties are being effective and making progress in the negotiations.

In carrying out this role, the Treaty Commission:

- Accepts First Nations into the treaty process and assesses when the parties are ready to start negotiations;
- Monitors compliance with the fundamental principles of treaty making as set out in the Treaty Commission's Mission Statement;
- Monitors and reports on the progress of negotiations and encourages timely negotiations;
- Chairs key meetings at tables and offers advice to the parties, where requested;
- Assists the parties in developing solutions and in resolving disputes;
- Identifies, engages with the Principals on, and reports publicly on opportunities and key overarching obstacles to progress (for example, on mandates, resources, capacity);

- Supports pilot projects with the potential to promote progress in negotiations; and
- Develops and applies policies and procedures for the six-stage treaty process.

The Treaty Commission devotes much of its time and resources to facilitation. Commissioners and staff are involved in a variety of facilitation initiatives, often on a sustained basis.

This demand has arisen from a number of circumstances:

- Intensified treaty negotiations at Stage 5 and some Stage 4 tables;
- Completion of final agreement negotiations and the ratification requirements for First Nations;
- Stalled treaty negotiations;
- Intensified inter-First Nation dialogue on overlapping and shared territories, particularly where treaty negotiations are approaching final agreement;
- Intensified internal First Nations dialogue, especially in multi-community First Nations on issues of shared territory, governance and capacity;
- Consultations between the Crown and First Nations affected by overlaps; and
- Principal-level discussions on common issues through processes such as the Common Table and the Treaty Negotiation Process Revitalization Table.

The Treaty Commission is also applying its knowledge and experience from facilitation to special projects that will benefit the treaty process and the parties to the negotiations with broader tools, such as:

- The creation of the Human Resource Capacity Development Strategy to assist First Nations in preparing for self-government;
- A broad framework for the Principals to consider as a means to address overlapping and shared territory issues and to promote early resolution of these issues.

We anticipate the Treaty Commission's attention and energies will be increasingly focused on:

- Overlapping and shared territory issues;
- Assisting First Nations that are completing final agreements with their ratification efforts;
- Principal-level discussions through the Treaty Negotiation Process Revitalization Table and the Common Table; and
- Launching the Human Resource Capacity Development Strategy.

REPORT ON FUNDING

The Treaty Commission allocates negotiation support funding so that First Nations can prepare for and carry out treaty negotiations on a more even footing with the governments of Canada and BC. In general, for every \$100 of negotiation support funding allocated, \$80 is a loan from Canada, \$12 is a contribution from Canada and \$8 is a contribution from BC.

Since April 2004, First Nations have been able to accept just the non-repayable contribution or take any portion of their loan allocation. In every year since this change, several First Nations have chosen to accept fewer loan dollars than would have been required previously.

Contribution funding continues to be available to a First Nation until the effective date of a treaty. However, loan advances must stop not less than thirty days prior to all three parties signing the final agreement.

Treaty loans will begin coming due in August, 2011 unless further extensions to the loan due dates are approved. This issue is being addressed with urgency by senior officials of the First Nations Summit, the governments of Canada and British Columbia and the Treaty Commission, supported by a working group that is addressing funding issues. Their goal is to be able to process extensions to loan due dates no later than April 1, 2011. The expectation is that extensions will be for 10 years.

Since opening its doors in May 1993, the Treaty Commission has allocated approximately \$500 million in negotiation support funding to more than 50 First Nations, representing approximately two-thirds of the First Nations in the province — approximately \$397 million in loans and \$103 million in non-repayable contributions.

REPORT ON PUBLIC INFORMATION AND EDUCATION

As the independent voice of treaty making in British Columbia, the Treaty Commission is uniquely positioned to provide public information. The governments of Canada and BC also share responsibility for public information. As well, the three parties in each set of negotiations — Canada, BC and First Nations — provide specific information on their treaty negotiations.

The governments of Canada and BC have funded the Treaty Commission to provide public information and education on treaty making in BC since 1997. To reach audiences throughout BC, the Treaty Commission provides a variety of communications tools, including a website, annual report, newsletters, special publications, DVDs and teaching materials for elementary and secondary schools.

Commissioners and treaty advisors regularly deliver presentations at special events and community forums and to business organizations, schools and post-secondary institutions.

In addition to providing up-to-date information on the current state of the treaty process, the Treaty Commission has an important role to play in supporting public information efforts by individual treaty tables. To assist with these regular efforts, commissioners and treaty advisors regularly attend information forums with First Nation constituents and with the broader non-aboriginal community.

Lesson Plans for Schools

The documentary film *Nisga'a Dancing in Both Worlds*, which tells of the historic journey of the Nisga'a people to achieve a modern-day treaty, was approved in 2008 by the BC ministry of education for use in secondary schools. The Treaty Commission helped fund and develop the film.

Through a joint venture with Surrey School District #36 Aboriginal Education Department, the Treaty Commission has created an online educational resource to support use of the film in BC Social Studies 11 and other classrooms. The resource is accessible on the Internet and includes lesson plans, supporting lesson materials, video clips, images and a glossary of terms used in the film. Promotional activities will continue throughout the year to encourage teachers to use the lesson plans and other materials.

Online Resources for Schools

The correspondence that passed between the Colonial Office in London and the governors of Vancouver Island and British Columbia from 1846 to 1871 are available online through the British Columbia Colonial Despatches Project, an initiative of the History Department and Humanities Faculty at the University of Victoria.

The Treaty Commission is supporting the Colonial Despatches Project as a valuable education initiative in keeping with its public education mandate. Colonial Despatches is a valuable online resource for teachers and students. Four curriculum challenges relating to the Colonial Despatches have been completed and were launched at a special event at Government House hosted by Lieutenant Governor Steven Point.

What's in These Treaties? Proves Popular

An updated second edition of *What's in these treaties?* has been published to meet demand for this publication which provides an insight into the Tsawwassen and Maa-nulth treaties. Distribution of the first edition has surpassed 4,000 copies with the second edition comprising a print run of another 5,000 copies. This booklet was produced in cooperation with the Tsawwassen First Nation and Maa-nulth First Nations.

Economic Benefits Focus of Awareness Campaign

A priority for the Treaty Commission in 2009 was to become more recognized and respected — and therefore more effective — as a result of a higher profile among governments, opinion leaders, media and the general public. Also a priority was to inform government leaders, the media and the public of the economic benefit of treaties.

PricewaterhouseCoopers was commissioned to conduct an economic analysis of the economic benefits of treaties. The findings were shared with the media, government, First Nations and the public. A sub-domain *Unfinishedbusiness.bctreaty.net* was created to hold all relevant information on the economic benefits of treaties including the PricewaterhouseCoopers report.

Advertising on radio and in community newspapers and specialty publications was purchased to drive people to *Unfinishedbusiness.bctreaty.net*. The Awareness Campaign was launched to coincide with the lead up to the 2010 Winter Olympics. The theme for the campaign was "*What has a bigger economic benefit than the Olympics?*" A free, high-profile location at the Aboriginal Business Showcase and Artisan Village was secured during the Olympic Games to tell our story.

The awareness campaign concluded with a full-page ad in The Vancouver Sun, again asking the question "*What has a bigger economic in British Columbia impact than the Olympics?*" and finally providing the answer "*Treaties with BC First Nations.*"

Web traffic was up through the campaign: absolute unique visits were up 28%; page views were up 28%; and nearly 60% of the visitors were new visitors. For the first time, a small number of visitors were going directly to *unfinishedbusiness.bctreaty.net*.

TREATY COMMISSIONERS



Sophie Pierre was appointed chief commissioner to a three-year term in April 2009 by agreement of the governments of Canada and British Columbia and the First Nations Summit. Pierre led the St. Mary's Indian Band for 30 years as elected chief and was the administrator of the Ktunaxa/Kinbasket Tribal Council for 25 years.

She also served as the tribal chair of the Ktunaxa Nation Council, chairperson of the First Nations Finance Authority, president of St. Eugene Mission Holdings Ltd. and co-chair of the International Advisory Committee to the Indigenous Nations Institute for Leadership, Management, and Policy for the University of Arizona. Pierre was involved in the work of the British Columbia Claims Task Force and served as a co-chair of the First Nations Summit. She has also served on several boards and committees, including the Environmental and Aboriginal Relations Committee of the BC Hydro & Power Authority and the First Nations Congress. Pierre was recognized with the Order of British Columbia in 2002 and the National Aboriginal Achievement Award in the business category in 2003.



Robert Phillips is serving his second term as commissioner following his re-election at the First Nations Summit in March 2009. He is a member of the Northern Secwepemc te Qelmukw (Shuswap) of the Canim Lake First Nation. Phillips holds a Bachelor of Arts degree from the University College of the Fraser Valley. He served as chief

negotiator and, prior to that, as self-government director at the Northern Shuswap Tribal Council since 1998. Phillips has a background in aboriginal justice and economic development.



Jerry Lampert was re-appointed in December 2009 to a second, two-year term by the Government of Canada. Prior to this appointment Lampert served for 15 years as president and chief executive officer of the Business Council of British Columbia where he was a vocal advocate for developing better business relationships with First

Nations in British Columbia. Prior to joining the business council, Lampert was a principal in a government relations/public affairs consulting firm. He was chief of staff to two BC premiers and managed two successful BC provincial election campaigns.



Dave Haggard was re-appointed to a second two-year term in February 2010 by the Government of British Columbia. A long-time labour leader and forestry advocate, Haggard has extensive experience facilitating negotiations with industry, labour, and governments including First Nation governments. Haggard has worked with a number

of First Nations, including the Maa-nulth First Nations.

He was first elected in 1996 as national president of the Industrial, Wood and Allied Workers of Canada and has served as vice-president of the Canadian Labour Congress and the BC Federation of Labour.

Born in Kamloops and raised in Barriere, Haggard's grandmother was a member of the Simpcw First Nation located by the North Thompson River. He is married to Eileen, a member of the Nuuchah-nulth First Nation.



Shana Manson, Lahlawuts'aat, was elected to a first term as commissioner at the First Nations Summit in November 2009. She is a member of the Lyackson First Nation.

Manson was treaty negotiator for the Hupacasath First Nation for two years, where she was also responsible for nation building and constitutional development. As treaty negotiator she participated in the Common Table negotiations and served as technical support during the negotiations on governance and shared decision making.

Manson was employed by the Hul'qumi'num Treaty Group for six years as Communications Director and Senior Negotiations Support.

She has a Bachelors of Arts in Political Science and a Masters Degree in Indigenous Governance, both from the University of Victoria. Her graduate studies included Dispute Resolution with Gord Sloan and Cross Cultural Mediation with Michelle LeBaron. Manson, was until her appointment, a sessional instructor for the First Nations Studies Department at Vancouver Island University.



ABOUT THE FRONT COVER IMAGE

Carved by Jim Yelton, the Coast Salish talking stick recognizes respect for the speaker. Whoever holds the talking stick has within their hands the sacred power of words. What is said and what is decided forms part of the oral history passed down through time.



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